

RHODE ISLAND DIVISION OF MOTOR VEHICLES

100 MAIN STREET

PAWTUCKET, RI 02860

RHODE ISLAND DEALERS' LICENSE & REGULATIONS OFFICE

Tel. # 462-5733,5734 / Fax # 462-5718

April 9, 2009

TO: Gary Sasse, Director

DEPT: Department of Administration

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday, April 9, 2009. Board members: Walter Craddock, Esq., Dennis Gerstmeyer, James Botvin, Thomas Celona and Cpl. David Doucet of the Rhode Island State Police.

Also be advised the following people were present during the hearing: Michael Vispo and Steven Raffa Esq., Division of Legal Services.

Absent: Richard Interrante.

MEETING OF APRIL 9, 2009 AT 9:00 AM

**DIVISION OF MOTOR VEHICLES – 100 MAIN STREET,
PAWTUCKET, RI 02860**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE MARCH 26,
2009 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

**2. TERESA CANDELMO V. DRIVE USA AUTO SALES (Michael Cuomo,
Pres./ Michael E. Coughlan, Esq.)
COMPLAINT/ SHOW CAUSE HEARING – CASE #DS-09-015
1ST RESCHEDULED HEARING**

**Postponed at the request of the Dealers License and Regulations
Office.**

HEARINGS RESULTS

PAGE 2 OF 3

3. CLAUDETTE VEST V. SCOTTIE'S AUTO SALES, INC. (Dorothy Macdougall, Pres.)

COMPLAINT / SHOW CAUSE HEARING –CASE #DS-09-046

Dennis Gerstmeyer heard this case but was excused from the decision part of this case due to another obligation.

Decision: The Board has ordered the Dealership to purchase the vehicle back from the Consumer for \$ 5483.90 which represents the original price of the vehicle of \$6035.00 minus \$551.10 allowance for mileage. The Dealership has 30 days from the receipt of the formal decision to submit a check to the Dealer's License and Regulations Office in the amount of \$5,483.09 made out to Claudette Vest and Auto Loan. Upon receipt of the check the Consumer will be ordered to return the vehicle to the dealer.

The Board has determined that Scottie's Auto Sales, Inc. is in violation of the following Rhode Island General Laws and Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$1000.00 to the Dealers License and Regulations Office within 30 days of receiving the formal decision.

Fine: \$500.00: (5 Violations: \$100.00 per violation): Violation of RIGL §31-5-11(10): For having indulged in unconscionable practices relating to business as a motor vehicle dealer.

Fine: \$500.00: (5 Violations: \$100.00 per violation): Violation of RI Rules and Regulations VI (L): For allowing non-employees to act as agents of the dealership.

**4. SCOTTIE'S AUTO SALES, INC. (Dorothy Macdougall, Pres.) V. DEALERS' LICENSE & REGULATIONS OFFICE
SHOW CAUSE HEARING – CASE #KR-08-259**

Cpl. David Doucet of the Rhode Island State Police has recused himself from hearing this case.

Decision: The Board has determined that Scottie's Auto Sales, Inc. must pay \$1759.56 to the Consumer which represents the balance of the amount ordered to be paid by the Board at the hearing conducted on January 22, 2009. Scottie's Auto Sales, Inc. must deliver a check in the amount of \$1759.56 payable to Kristen Jones to the Dealer's License and Regulations Office by 3:00 p.m. on this date April 9, 2009.

The Board has also found that Scottie's Auto Sales is in violation of the following Rhode Island General Law and is required to pay the amount listed below which totals \$250.00 to the Dealer's License and

Regulations Office by 3:00 p.m. on this date April 9, 2009.

Fine: \$250.00: Violation of RIGL §31-5-11(3): Willful failure to comply with the provisions of this section or any rule or regulation promulgated by the department under §§ 31-5-1 – 31-5-20.

HEARING RESULTS

Page 3 of 3

5. MARIA LIMA V. ROUTE 3 AUTO SALES, INC. (Dennis Rossi, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE #KR-09-069

Postponed at the request of Dennis Rossi of Route 3 Auto Sales, Inc., he was unable to attend.

6. FRANK J. CIARA III V. ROUTE 3 AUTO SALES, I NC. (Niss Lev. VP)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-09-012

1ST RESCHEDULED HEARING

Postponed at the request of Niss Lev of Route 3 Auto Sales, Inc., he is unable to appear.

**7. CO-OP AUTO SALES & SERVICE (Carlos Angel, Pres.) V.
DEALERS' LICENSE & REGULATIONS OFFICE
SHOW CAUSE HEARING
1ST RESCHEDULED HEARING – CASE #KR-09-065**

Postponed at the request of CO-OP Auto Sales & Service, they are in the process of surrendering their license to do business and dealer plates.

8. FOR DISCUSSION ONLY

**KATHLEEN P. SMITH / Bruce Tedesco, Advocate V. WESTMINSTER
MOTORS, LTD (Victor Ramos, Pres.)
HEARING HELD ON 10-09-08 – CASE #DS-08-098**

The Board has ordered the October 9, 2008 order to be vacated.

Walter Craddock, Esq. Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

Steven Raffa, Esq., Division of Legal Services, DOA

Richard Interrante

File